

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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U.S. DISTRICT COURT
DISTRICT OF MASS

Gennaro Angiulo, §
(Petitioner) §

v. §

Case No. 04-40041-FDS

David L. Winn, Warden, §
U.S. Parole Commission, §
(Respondents)

MOTION FOR ENLARGEMENT OF TIME

COMES NOW, Petitioner, Gennaro Angiulo, pro se and respectfully moves this Honorable Court for enlargement of time in which to file a responsive pleading to the Governments recent pleading in Opposition to petitioner's Motion Pursuant To 28 USC § 2241. In support of enlargement of time, petitioner avers as follows:

1. F.R.Cv.P. 6 (b) allows for enlargement of time for good cause. Petitioner is a pro se litigant and the facility has very limited resources to meaningfully respond to the respondent's legal position asking for the summary dismissal of petitioner's §2241.

2. Petitioner therefore must correspond with individuals in the community that have inter-net access in order to download necessary reference authorities and then send them to petitioner.

3. The majority of the respondent's authority is antiquated and presumably now rendered bad law in light of the Supreme Courts recent holding in Blakely.

4. Respondent will not be prejudiced by this request for enlargement of time, and petitioner desires to place before this court a sound and meaningful answer to the government's position. Indeed, the petitioner's immediate liberty will be the central concern of this litigation and petitioner, as established, has overserved his sentence.

5. This represents the petitioners first request for enlargement of time and that petitioner has not abused this privilege in form or fashion.

WHEREFORE, Gennaro Angiulo, petitioner herein respectfully moves this Honorable Court for an additional 14 days up to and including August 13, 2004 to respond to the governments legal positions in the matter now before the Court.

Submitted This 1st Day of August, 2004:

Respectfully submitted,


Gennaro Angiulo, Petitioner

PROOF OF SERVICE

I, Gennaro Angiulo, certify that on August 1, 2004, I mailed a copy of this document and all attachments via First Class mail to the following parties at the addresses listed below:

Mr. Ernest DeNisco, AUSA
Office of the U.S. Attorney
Federal Courthouse
1 Courthouse Way
Boston, MA 02210

PROOF OF SERVICE FOR INCARCERATED LITIGANTS

In addition to the above Proof of service, all litigants who are currently incarcerated should include the following statement with all documents to be filed with the court:

I certify that this document was given to officials¹ on this date for forwarding to the United States District Court for the District of Massachusetts. I further certify under penalty of perjury that the forgoing is true and correct. Title 28 U.S.C. § 1746.

Respectfully submitted this 1st day of August, 2004.

x Gennaro Angiulo Pro Se
Name: Gennaro Angiulo
Number: 03853-018
FMC Devens, Unit J-A
P.O. Box 879
Ayer, Massachusetts 01432

¹ Pleadings by prisoners who represent themselves are to be considered filed at the moment such pleadings are delivered to prison authorities for forwarding to clerk. Houston v Lack, 487 U.S. 266 (1988).